



September 9, 2022

The Honorable Kyrsten Sinema  
United States Senate  
Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your July 1, 2022, letter to the Environmental Protection Agency (EPA) and U.S. Department of the Army ("the agencies," hereafter) regarding the ten regional roundtables that the agencies hosted in May and June of this year. These roundtables, including the June 2 one organized by the Arizona Farm Bureau mentioned in your letter, provided the agencies with a unique and unprecedented opportunity to hear stakeholders coming from a wide range of perspectives in dialogue about geographic similarities and differences, particular water resources that are characteristic of or unique to each region, and regionally specific feedback about "waters of the United States" implementation concerns.

The agencies have worked to make all the roundtables accessible to the public. Members of the public could livestream the roundtables as they were occurring, and recordings of each roundtable are available for public review on EPA's website at <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities>. Because the feedback provided in the roundtables is easily accessible to all, it is not necessary to document the roundtables in the *Federal Register* beyond what the agencies have already done. See 86 Fed. Reg. 58829 and 61730.

The agencies emphasized at the beginning of each roundtable that we were looking forward to hearing the roundtable participants' feedback and experiences with how we have implemented the "waters of the United States" definition to ensure everyone has access to clean water. At the same time, the agencies noted that the roundtables were not part of the rulemaking process for the proposed rule to revise the definition of "waters of the United States," 86 Fed. Reg. 69372 (Dec. 7, 2021). As the agencies explained, because the roundtables occurred after the February 7 close of the proposed rule's public comment period, any new information provided during the roundtables could not be considered as part of the ongoing rulemaking process. This had also previously been explained to the roundtable organizers as they were planning the agenda and discussion topics for their respective roundtables. However, the agencies note that to the extent that roundtable participants were repeating comments that they had already provided to the agencies during the public comment period on the proposed rule, those comments will be considered as part of the ongoing rulemaking process.

These roundtables are just one manifestation of the agencies' continuing commitment to transparency and protecting public health. The agencies remain committed to engaging with and accepting feedback from states, tribes, local governments, and a broad array of stakeholders and the public across the nation in implementation of the "waters of the United States" definition and any future related regulatory actions.

Thank you again for your letter. Please contact us if you have any questions or your staff may contact Denis Borum in EPA's Office of Congressional and Intergovernmental Affairs at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836, or Stacey Jensen, Assistant for Regulatory and Tribal Affairs in the Office of the Assistant Secretary of the Army for Civil Works, at [stacey.m.jensen.civ@army.mil](mailto:stacey.m.jensen.civ@army.mil) or (703) 459-6026.

Sincerely,

A handwritten signature in black ink, appearing to be 'Radhika Fox', with a long horizontal stroke extending to the right.

Radhika Fox  
Assistant Administrator  
Office of Water

A handwritten signature in black ink, appearing to be 'Michael L. Connor', with a long horizontal stroke extending to the right.

Michael L. Connor  
Assistant Secretary of the Army  
(Civil Works)